

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VLAD GULA,

Plaintiff,

v.

BOMBARDIER RECREATIONAL
PRODUCTS, INC.; BRP INC.; and SK
NORTHWEST, INC.,

Defendants.

No. 3:22-cv-05755

NOTICE OF REMOVAL OF ACTION

(CLARK COUNTY SUPERIOR COURT
CAUSE NO. 22-2-02044-06)

TO THE CLERK OF THE COURT AND TO PLAINTIFF'S COUNSEL:

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendant Bombardier Recreational Products Inc. and BRP Inc. hereby remove the case now pending in the Superior Court of the State of Washington for the County of Clark, titled *Vlad Gula v. Bombardier Recreational Products, Inc., et al.*, Case No. 22-2-02044-06.

As grounds for removal, Bombardier Recreational Products Inc. states as follows:

NOTICE OF REMOVAL IS TIMELY

(1) On or about August 19, 2022, Plaintiff filed a Complaint in the above-referenced action in the Clark County. Pursuant to 28 U.S.C. § 1446(a), attached to this Notice as **Exhibit 1** are the state court papers that Bombardier Recreational Products Inc. received from Plaintiff,

1 consisting of Plaintiff's Summons and Complaint, and Bombardier Recreational Products Inc.'s
2 Acceptance and Admission of Service.

3 (2) This notice of removal is timely filed under 28 U.S.C. § 1446(b), which provides
4 that a notice of removal must be filed within 30 days after defendant receives, by service or
5 otherwise, the initial pleading. Bombardier Recreational Products Inc. was served with a copy of
6 Plaintiff's Complaint on September 13, 2022. (**Exhibit 1**). Counsel for Defendant Bombardier
7 Recreational Products Inc. received a copy of the Complaint from Plaintiff's counsel on
8 September 6, 2022. Therefore, this removal is timely.

9 (3) Attached hereto as **Exhibit 2** is a copy of Defendant SK Northwest, Inc.'s Request
10 for Jury Trial filed September 6, 2022.

11 (3) No previous request has been made for the relief requested.

12 **DIVERSITY JURISDICTION EXISTS**

13 (5) This is a civil action over which this court has original jurisdiction based on
14 diversity of citizenship pursuant to 28 U.S.C. § 1332, which provides, in relevant part, that district
15 courts have original jurisdiction over actions where the matter in controversy exceeds \$75,000,
16 exclusive of interest and costs, and where the action is between citizens of different states, so long
17 as all defendants who have been properly joined and served join in or consent to the removal of
18 the action.

19 (6) Complete diversity exists between the parties to the above-captioned lawsuit.

20 (7) The Complaint alleges that at all material times, Plaintiff was a resident of the state
21 of Washington. (Compl., ¶ 1.2).

22 (8) The Complaint alleges that at all material times Bombardier Recreational Products
23 Inc. was foreign corporation doing business in the state of Washington. (Compl., ¶ 1.3).

24 (9) The total amount at stake in this lawsuit meets the threshold for diversity
25 jurisdiction. Plaintiff's Response to Defendant SK Northwest Inc.'s Request for Statement of
26 Damages indicates Plaintiff seeks \$120,525.45 in economic damages and an estimated \$350,000

1 in non-economic damages. Therefore, the monetary requirement for diversity jurisdiction, as set
2 forth under 28 U.S.C. § 1332, is satisfied.

3 (10) Defendant SK Northwest Inc., the remaining defendant properly joined and served
4 in this action, consents to removal.

5 **REMOVAL TO THIS DISTRICT IS PROPER**

6 (10) Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, removal of the above-captioned
7 state court action to this court is appropriate.

8 (11) Pursuant to 28 U.S.C. § 1441(a), removal to this court is appropriate as the district
9 and division embracing the place where the state court action is pending.

10 (12) Bombardier Recreational Products Inc. will promptly serve Plaintiff with this
11 Notice of Removal, informing Plaintiff that this matter has been removed to federal court.
12 Bombardier Recreational Products Inc. will also promptly file a copy of this Notice of Removal
13 with the Clark County Superior Court, where the action is pending.

14 DATED: October 6, 2022.

15
16 s/ David W. Cramer
17 David W. Cramer, WSBA #49566
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23 *Attorneys for Defendant Bombardier*
24 *Recreational Products Inc. and BRP Inc.*
25
26

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Western District of Washington using the CM/ECF system which will send notification of such filing to the following parties:

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